MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

UPI3712 PUBLIC INTERNATIONAL LAW

(All Sections/ Groups)

16 FEBRUARY 2023

Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

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1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt either question 1A **or** 1B in **PART A** and all the questions in **PART B.**

4. The distribution of the marks for each question is given.

5. Students are not allowed to bring any statutes into the Examination Hall.

6. Please write all your answers in the Answer Booklet provided.

PART A

ATTEMPT EITHER: -

QUESTION 1A

James was a national of the state of ANTION and because he was a vocal critic of the government, he was charged under a Seditious Act of ANTION. However, James fled to the neighbouring country BENHAD. A year later James was granted citizenship of BENHAD. Soon after, he set up a clandestine internet network and was broadcasting messages that were highly critical of the state of ANTION including revealing classified information about the state.

While on a visit to another neighbouring state, James was kidnapped by the agents of the state of ANTION and brought to ANTION and arrested. He was charged with two crimes, namely, for breach of the state's Seditious Act and secondly, inciting the citizens of ANTION to rise against the government.

Apply the related principles of jurisdiction in claiming the right to prosecute James and the justification of the state's action in apprehending James in relation to International Law.

(Total: 25 Marks)

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OR

QUESTION 1B

Adivah Kwrty was the ruler of the state of VENZELA and during his reign, he ruthlessly suppressed his political opponents by torturing and killing many of them. It was reported that his action included massacring their families and known associates.

After 30 years of rule, he stepped down as the ruler on 31 March 2020 but was made a senator for life in the state of VENEZELA.

While travelling to the state of AMBIA, a non-governmental organisation (NGOs) representing the victims of his rule who live in the neighbouring state of ESPANA wants him arrested for crimes against humanity. However, the government of AMBIA was reluctant to arrest him citing domestic legislation and state immunity and arranged for his departure to his homeland.

a) Illustrate the role of state immunity and the reliance of AMBIA on the domestic legislation.

(15 marks)

b) Assess the jurisdiction of the International Criminal Court (ICC) in calling for Kwarty's arrest to stand trial for an alleged crime against humanity, taking into consideration that both the above-mentioned countries are not signatories of the International Criminal Court (ICC) that was established under the Rome Statute.

(10 marks)

(Total: 25 Marks)

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PART B

STUDENTS MUST ATTEMPT ALL OF THE FOLLOWING QUESTIONS: -

QUESTION 2

How does International Law view the status of *jus cogens* in the hierarchy of the sources of law?

Clarify the above with reference to whether *jus cogens* can invalidate treaties and reservations made by States.

(Total: 25 Marks)

QUESTION 3

On June 1995 the state of YENLON, which had made claims to a portion of a territory belonging to its neighbour UKMINE, turned hostile and attacked the latter in a massive air and ground invasion using heavy artillery. In two weeks, a large swathe of the border region was occupied encompassing a population of approximately 100,000 who are largely hostile to the invaders and remain fearful of the enemy's occupant.

Explain the applicable law governing the use of weapons and the treatment of victims of armed conflict.

(Total: 25 Marks)

QUESTION 4

The jurisdiction of the International Court of Justice is only voluntary, due to the need for States' consent and recognition of the institution.

With reference to the Statute and reported cases, assess the power and discretion of the International Court of Justice to allow for provisional measures in cases before the court.

(Total 25 Marks)

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